

A meeting of the New Hampshire Water Well Board was held on February 5, 2004 at 9:30 am, in rooms 111& 112, 29 Hazen Drive, Concord, NH, 03302.

Present were: Terrell Swain, Chairman
Rene Pelletier, Secretary
Board members: Bart Cushing, Jeffrey Tasker and David Wunsch
Staff: Rick Schofield and Bobbi Benedict

Chairman Swain brought the meeting to order at 9:35 and welcomed visitors and introduced members of the Board and staff.

Approval of Minutes

Upon motion by Mr. Cushing, seconded by Mr. Pelletier, the Board voted unanimously to accept the Minutes of the December 4th, 2003 meeting.

Administrative Fines – The Membership discussed two recent proposed administrative fine decisions with Attorney Gretchen Rule. The fines were proposed by the Water Division against Edward O'Connor d/b/a Tap'd Out Artesian Well Company and John Roberts for constructing wells without a water well contractor license required by RSA 482-B. The actual amount paid by the two contractors was substantially less than the \$2,000 authorized in the schedule of administrative fines adopted by DES with the approval of the Board. This was inconsistent with the Board's concern it recently expressed to Mr. Schofield and the Department's legal unit, at the October 2nd meeting, regarding large disparities between the administrative fine schedule and administrative fine settlements reached between DES and respondents. Attorney Rule suggested that the Board may wish to invite Commissioner Nolin to one of its meetings to discuss the enforcement program and exchange views.

Chairman Swain suggested inviting Commissioner Nolin to the next meeting to discuss the Board's views on administrative fines. Mr. Cushing suggested staff prepare a list of past administrative fines for reference.

Attorney Rule also discussed and advised the Board on the matter of confidentiality of reference forms supplied by license applicant references required on the Board's new application forms.

Reporting

David Cedarholm, a consultant for the Town of Lee and Chair of the Water Resources Committee on Groundwater Sustainability Study, explained he was working with the Town conducting an inventory of wells as part of a comprehensive assessment of the Town's water resources availability. Mr. Cedarholm reported that 100 of the 575 well completion reports obtained by the Town from the Board had accurate location information and they were able to locate and additional 100 wells with the information reported. However, many of the wells could not be located because the location information provided was inadequate.

The Membership discussed the matter and explored ways to improve the location information with Mr. Cedarholm. This is a well known issue which has been discussed by the Board on many occasions.

Mr. Cushing suggested that if the Towns would post the 911 addresses for new construction sites, this address would significantly improve the problem.

Mr. Schofield described the importance of posting of subdivision lot numbers or tax map parcel numbers on construction sites for contractors to see. Many towns do this, however, many do not. There is also confusion about lot numbers vs. parcel numbers. He explained that well contractors have complained in the past about the difficulty of obtaining these numbers.

Mr. Cedarholm said he would discuss the matter with the Town.

The Board agreed that it would continue its out reach efforts to improve the information provided on the reports and instructed staff to notify contractors in writing that fail to provide accurate location information.

Complaints:

Walton & Sansoucie / Young Bros. Pump Co., Inc

Mr. Schofield provided the Board with an overview of the complaint and explained that DES had worked with the parties to reach a settlement agreement rather than pursue an enforcement action. He further explained that he thought a settlement had been reached and presented a letter from Mr. Michael Young, Sr., explaining that the parties had reached an agreement. However, after speaking with Mr. Sansoucie prior to the meeting, it appeared there were some remaining issues.

Mr. Sansoucie and Ms. Walton were present. Mr. Young was not present.

The Chairman asked the complainants to sit at the table.

Mr. Sansoucie described the events. The well was originally constructed by East Kingston Well & Pump Co., in 2001. When their water supply failed in November, only two years after construction, they called the number for East Kingston Well and left a message with their answering service. Bill Young responded and Young Brothers Pump Company, Inc came out to repair the water supply system. On November 17, 2003 two technicians from Young Brothers, Andy and Jim, pulled the submersible pump and discovered the pump wires were chaffed in several locations. Mr. Sansoucie asked one of the technicians why the system would fail in only two years and the technician responded, "there should have been at least one torque arrester". The pump wire was replaced and water was restored to the home. The invoice for \$1896 was given to the homeowners and two checks were issued in payment the same day. Mr. Sansoucie and Ms. Walton don't believe they should be responsible for the repairs that could have been avoided if a torque arrester was installed according to state code.

Mr. Sansoucie objected to Mr. Young's letter dated December 26, 2003, stating that Young Brothers "added a second torque arrester in repairing the system" reiterating that there was no torque arrester on the original pump installation.

Mr. Sansoucie further explained that he had originally accepted Mr. Young's offer in settlement conveyed by Mr. Schofield, however, he never had a chance to speak with Mr. Young directly and the letter received by Mr. Young stipulated different conditions than the original settlement offer. The offer conveyed by Mr. Schofield was that Mr. Young would make any future repairs to the pump system, if needed, at no charge. The offer in the letter stated, that "if the wire breaks apart in the area of the second torque arrestor, they would repair the problem at no charge within the 1 year warranty from the installation date".

Upon motion by Mr. Pelletier, seconded by Mr. Cushing, the Board voted unanimously to schedule an administrative hearing for the next meeting to obtain all of the facts. Staff was instructed to inform Mr. Young that the Board expects the two technicians who made the repairs to be present at the hearing.

Town of Raymond / Clearwater Artesian Well Company

Staff reviewed the complaint for the Board. The Raymond Code Enforcement Officer, Mr. Richard Mailhot, Sr., filed the complaint in regard to the licensee failing to obtain a well construction permit and failing to provide the necessary non-conforming well location and standard release forms for the property. Mr. Schofield explained that the necessary forms had been filed and permit issued by the Town and all local requirements have been met.

In response to the complaint, Mr. Schofield visited the site with Mr. Mailhot and observed the following: the well was 20 feet from the closest property line and 40 feet from the road; the well casing grounding bolt was not observed. He further explained the non-conforming well location form was filed along with the well completion report and the company was going to bond the pump grounding conductor to the casing. No further action was anticipated.

Mr. Morgridge explained that he wasn't aware of the town's permit requirement before constructing the well and the NHWWA handbook did not indicate a permit was required. He further stated that the ground wire was attached to the well cap grounding bolt and that the manufacturer said it was NEC compliant.

There was discussion on this issue and staff was instructed to follow-up with the manufacturer.

Upon motion by Mr. Pelletier, seconded by Mr. Wunsch, the Board voted unanimously to dismiss the complaint on the grounds that there were no substantive violations of code.

Town of Raymond / Derry Well Company & Wragg Brothers Well Drilling Co

Staff reviewed the complaint for the Board. This complaint was also filed by the Raymond Code Enforcement Officer, Mr. Richard Mailhot, Sr., against the licensee failing to obtain a well construction permit and failing to provide the necessary non-conforming well location and standard release forms for the property. Mr. Schofield explained that the necessary forms had been filed and permit issued by the Town and all local requirements have been met.

Mr. Schofield visited the site with Mr. Mailhot at the same time he visited the site of the previous complaint and observed the following: the well was 10 feet from the closest property line and

approximately 59 feet from the on site septic system; the well casing grounding bolt was not observed. He further explained that the original well completion report filed for the well indicated that the depth to bedrock was encountered at 35 feet and 45 feet of casing was installed. This raised the question about whether extra precautions had been taken during the construction of the well as required by rule when wells are located closer than 75 feet to sources of contamination. Mr. Jay Wragg faxed a revised well completion report to the Board in response to Mr. Schofield's inquiry about the matter indicating that the depth to bedrock was actually 18 feet rather than 35 feet as previously reported. Furthermore, upon request by Mr. Schofield, the property owner Mr. Rick Bergeron submitted the non-conforming well location form to the Board, which was signed by Robert Machain and indicated that 55 feet of casing was installed and the casing had been grouted.

Inspection of the well indicated that the well casing was not bonded to the pump circuit grounding conductor. During a discussion with Mr. Machain the licensee stated that the pump ground was bonded to the grounding bolt on the well cap and if that wasn't sufficient he would return to the property and bring the installation up to code.

In conclusion, Mr. Schofield informed the Board that DES had not taken any additional enforcement action at that time.

Mr. Wragg was present and invited to the table. No other parties were present.

The membership questioned Mr. Wragg about the obvious discrepancies between the depth to bedrock originally reported (35 feet) and the depth subsequently reported (18 feet) following Mr. Schofield's telephone call. And the amount of casing reported on both well completion reports (45 feet) and the amount reported by Mr. Machain on the non-conforming well location form (55 feet).

Mr. Wragg explained that the well driller fills out a well completion report after construction of the well and submits it to the office. The office secretary then enters the information into their computer database and generates the printed well completion report for submittal to the Board. The report he faxed to Mr. Schofield was the original report filed by the driller, which indicated that the depth to bedrock was 18 feet. He did not know why that depth was not entered properly into their database. Upon direct questioning from the Chairman he stated that the depth to bedrock at the site was 18 feet.

The Chairman further questioned Mr. Wragg about the discrepancy in the amount of casing installed in the well. The Chairman asked if there was 45 or 55 feet of casing in the well. Mr. Wragg stated that the well had 45 feet of casing.

The Chairman asked Mr. Wragg if the casing was grouted as indicated on the form. Mr. Wragg said it was not grouted.

Mr. Cushing inquired of Mr. Schofield why the program accepted the original well completion report submitted by Mr. Wragg because it was not signed. The licensee's name was printed on the report rather than signed as required by rule. Mr. Schofield explained that many water well contractors submit reports with a typed name, stamp, or computer generated signature and the program has historically accepted those reports.

Mr. Pelletier questioned Mr. Schofield about the wells proximity to the septic system and whether his measurement was taken from the well to the tank or the leach field. Mr. Schofield explained that the age and type of waste disposal system was unknown and that his measurement was approximate.

Upon motion by Mr. Pelletier, seconded by Mr. Tasker, the Board voted unanimously to take no action subject to Mr. Wragg's submittal of:

- 1) The job invoice;
- 2) Clarification of the configuration of the on-site septic system; and
- 3) The licensee re-file the non-conforming well location form with accurate information,

substantiating that the information given to the Board about the well by the licensee is correct.

Licensing

2004 Pump Installers Seminars

Staff informed the Board that Mark Hilbert, the Senior State Electrical Inspector, offered to conduct seminars this year for the pump installers. The focus will be on the 2002 amendments to the National Electrical Code and other electrical issues associated with pump installations. Staff is in the process of scheduling seminars in 8 locals between March 23rd and June 10th.

The Board requested that Mr. Hilbert and staff look into the acceptability of grounding bolts on the new well covers for compliance with the bonding rule.

Old Business

Decommissioning Rules

At the previous meeting, the Board considered a petition to amend the well decommissioning rules to allow abandoned wells to be sealed by grouting the well from a minimum of 40 feet below the bottom of the casing to 4 feet below the ground surface. The remainder of the well could be filled to support the seal material with Bentonite grout; Concrete; Sand; or ¾ inch washed stone. Currently the regulations require abandoned drilled wells penetrating bedrock or unconsolidated materials to be sealed by grouting the entire length of the well. The Board denied the petition and instructed staff to obtain statistics on the number of replacement wells constructed each year versus the number of wells decommissioned each year for the next meeting.

Mr. Schofield presented the figures to the Board. For the period 1995 through 2002 an average of 876 wells were reported as replacement wells compared to the average number of total wells constructed 4730 per year or 18%. The average number wells reported as abandoned/decommissioned was 13 per year. That number compared to the number of replacement wells reported (876) indicates that only about 1.5% of existing wells that were replaced were decommissioned.

The Board discussed the findings and considered a suggestion from staff to create an abandoned well assistance fund (AWAF) which would take a small portion of a wells construction cost to be deposited

into a state fund for providing assistance toward future decommissioning costs. This financial assistance would provide relief for well owners facing substantial decommissioning costs and would protect the State's groundwater resources by helping to eliminate the number of abandoned wells that never get sealed.

The general opinion of the membership was that a larger number of wells are decommissioned each year but are not reported to the Board. The new abandoned well registration form with additional out reach would result in better statistics on the number of wells decommissioned each year in the future.

Complaint Registry

Staff reported that the Complaint Registry had been completed which comprised 147 records. Of the total number of complaints, 38 were coded non-public because they were either dismissed or withdrawn. However, complaints filed prior to June 9, 2000 were not subject to We 1002.02 (b) & (c), which stipulates, complaints that have been dismissed or withdrawn do not become part of the registry.

The Board agreed that all complaints filed before June 9, 2000 would remain part of the registry.

2004 Exam Schedule

Staff reported that license exams have been scheduled for the follow dates:

April 8, 2004
August 12, 2004
December 9, 2004

This schedule was adopted to allow the Board, which meets every other month, to review license applications prior to the exams.

New License Application Forms

Mr. Schofield presented the new forms as amended by the Board at the December 4th meeting. The Board made one modification to the form.

New Business

Elections - Mr. Cushing moved that Terrell Swain be nominated for Chairman. Motion seconded by Mr. Tasker.

Mr. Wunsch moved that Rene Pelletier be nominated for Secretary. Motion seconded by Mr. Cushing. Upon motion by Mr. Cushing, seconded by Mr. Tasker, the nominations were ended.

Mr. Swain and Mr. Pelletier were elected by unanimous vote to the Office of Chairman and Secretary, respectively.

The Chairman acknowledged that the Board had received a letter of resignation from Andrew Singelakis, the public member. Mr. Singelakis had accepted a position in Arizona.

Further discussion on reporting. The Board objected to the program's acceptance of unsigned and unauthorized well reports and instructed Mr. Schofield to issue a notice, effective in 10 days, that unsigned reports would no longer be accepted and would not satisfy the reporting requirement.

The meeting was adjourned.

Rene Pelletier
Water Well Board Secretary